87-1463

Supreme Court, U.S.
FILED
JAN 30 1988
JOSEPH F. SPANIOL, JR.
CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

October, 1987 Term

CHARLES W. BROWN,
"Unenfranchised Citizen of Texas"
Appellant,

VS.

BROWN AND ROOT U.S.A. INC,
CECIL SHEPHARD, PAT BLACKBURN,
WILLIAM L. BEDMAN. JAMES E. YOUNG,
JOHN AND JANE DOE'S 1 - 99
APPELLEES.

On Appeal from the
United States Court of Appeals
for the Fifth Circuit

JURISDICTIONAL STATEMENT

CHARLES W. BROWN
6th Judicial District
10922 Muscatine
Houston, Texas
(713) 455-4709

Appellant in Pro Per

QUESTIONS PRESENTED

1) Does the Corporation Brown & Root, acting under the authority of the Corporate entity, called the State of Texas, have the lawful authority to require a sovereign to obtain a permission from them as a privilege in order to make a living?

2) Does appellant have standing to claim the absolute protection of the prohibitions (Article I, section 10) of the United States Constitution against state statutory law made or administered in violation thereof?

3) Did the trial court violate the appellants VII Amendment right by dismissing his complaint without any kind of a hearing?

4) Does the Texas Social Security Agreement violate prohibitions of the United States Constitution, when applied to one who retains his inalienable rights of

liberty (right to work 5th Amend.) and (religious belief under the 1st Amend.) i.e., one who refuses to voluntarily acquiesce to the power exercised through this legislation?

5) Did the trial court show acts of prejudice, when it refused to make service on the Appellees et al, when in fact the appellant did raise serious matters to the court, as the lower Appellate court averred to in its opinion?

6) Is this the only court that, the common law jurisdiction of Article III of the Constitution for the U.S. of America can be invoked?

7) Why does the Appellant or any other **unenfranchised** citizen have to go through all of this to obtain his **natural indefeasible** right to work and earn a living?

8) The Appellant being a free white common law citizen of the Union pursuant to the mandate of the Preamble, can Appellant be constitutionally denied a judicial trial and be subjected instead to a legislative procedure in a legislative tribunal? And as a result suffer without benefit of a hearing, a jury or a trial? Can the Appellant be systematically deprived of all redress and simultaneously be considered to have received justice and the benefit of "due process" as known to the common law?

LIST OF THE PARTIES

The following persons were named as parties in Cause No. H-86-3247, filed in the District Court of the United States, Southern District of Texas, Houstion Division:

1) Charles W. Brown; Plaintiff

2) BROWN & ROOT U.S.A. INC.

3) WILLIAM L. BEDMAN

4) JAMES E. YOUNG

5) CECIL SHEPHARD

6) PAT BLACKBURN; Defendants

In addition to the above named Defendants Judge, Norman W. Black, who is named as Respondent herein have an interest in this case and have been served with (3) copies of this instant Jurisdictional Statement. There may be other parties of interest to this case that I am not aware of.

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Appendix 1: (Trial Court)

The court having found. that Plaintiff's complaint in forma pauperis is frivolous. that action is hereby DISMISSED with prejudice.

This is a FINAL JUDGMENT.

Done at Houston. Texas. this 18th day of November. 1986.

Norman W. Black
United States District Judge

Appendix 2: (Trial Court)

Plaintiff's motion to compel and motion for amendment and relief from judgment are DENIED.

IT IS SO ORDERED.

Done at Houston, Texas, this 23rd day of January, 1987.

Norman W. Black
United States District Judge

Appendix 3: (Notice of Appeal to Fifth Circuit)

Appendix 4: (Cause No. 87-2139

"Though appellant discusses serious matters, he states no legal claim for this Court. It is therefore Dismissed."

Appendix 5: (Order denying Petition for rehearing)

Appendix 6: (Notice of Appeal to Supreme Court, United States) Receipt was acknowledged on December 14th, 1987

Appendix 7: (Order of the State Court declaring citizenship)

GROUNDS FOR INVOKING JURISDICTION

Nature of Proceeding:

This is a Civil case, instituted in law, wherein the appellant Charles W. Brown, filed his complaint in the District Court of the United States for the Southern District of Texas, Houston Division cause no. (H-86-3247) was dismissed with prejudice, as frivolous. (App-1)

The Appellant filed Motion for relief from judgment on the 1st day of December, 1986. The District Court denied same on the 23rd day of January, 1987 (App-2) the appellant gave notice of Appeal as a matter of right on the 6th day of February, 1987, (App-3) appellant filed motion for a free, white, Christian male court and his Appeal Brief on the 20th day of October, 1987, the Appeals court (5th cr.) dismissed appellants appeal on the 6th day of November, 1987 (App-4) within its opinion the courts said: "though

appellant discusses serious matters, he states no legal claim for this court", the Appeals Court (5th Cr.) never made reference to the appellants motion for a free, white, Christian male Court.

The appellant filed petition for rehearing on the 16th day of October, 1987, the petition was denied on the 23rd day of November, 1987 (App-5) the Appellant gave notice of Appeal on the 8th day of December, 1987. (App-6)

Statutory Provisions

Appellant depends upon 28 USC Sec. 1252 to invoke the jurisdiction of the United States Supreme Court as provided in Article III of the United States Constitution.

In this case, the decision of the 5th Circuit Court of Appeals refusing to rehear the appellants petition for rehearing, is final.

Although a "decision could be had" the Appeals court (5th Cir.) dismissed the appeal, even though, the Appeals Court (5th Cr.) stated that, the appellant raised serious matters to the court, the appellant states no legal claim for this court, there fore, leaving the appellant no choice except to appeal his case to the most highest authority in these United States of America.

CONSTITUTIONAL PROVISIONS INVOLVED

The Preamble to the Constitution for the United States of America plays a part in this action. In this appeal the question of whether the appellant has standing to claim the absolute protections of the prohibitions of Article I, section 10, United States Constitution, against a state law made in violation thereof is involved (e.g., whether the appellant had proper standing in the trial court to claim such protections as affirmative

assertions to support his claim.

The words of the Preamble are clear and pervade the Constitution in its entirety, revealing its true intent and purpose. As well, the Preamble to the Constitution for the United States of America establishes for whose protection the provisions of the Constitution were originally adopted. Dred Scott -vs- Sandford, 19 How (60 US) 393, 410.

> "We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to our selves and our posterity, do ordain and establish this Constitution for the United States of America." (Preamble, U.S. Const.)

Appellant is of the class of citizen contemplated by the Preamble, which is evidenced in the trial court as well, as in the Appeals Court (5 Cr.), by an Order from the 157 Judicial District Court of Harris County, the State of Texas signed

by the presiding judge and declaring the Appellants - citizenship as stated supra, and not a class emanating from or through the 14th Amendment. (App-7)

In the trial court as well as the Appeals Court (5th Cr.), the appellant raised certain prohibitions of the Constitution for the United States as grounds for his cause of action against the Appellees et al. Appellant alleges that these statutes are either made or administered in violation of these prohibitions of the Constitution for the United States of America.

The relevant portions of Article I, section 10 raised by appellant as assertions of fact enjoin the state of Texas or its agencies (Social Security) and subdivisions (Corporations) as follows:

"No state shall...; pass any Bill of Attainder,... or Law impairing the Obligations of Contracts, or grant any Title of Nobility." (Art I Sec 10 Cl 1, US Const.)

The Appellees has violated these prohibitions of the United States Constitution under the authority of the State of Texas either in passage of the state legislation or in application of the state legislation to appellant, and said violation is the basis of the appellants unlawful termination where the appellant was working, thus the judgment of the trial court should be held for naught, because the trial court was not a common law court acting under the authority of Article III, the proceedings conducted in the trial court were of a admiralty/-maritime jurisdiction under the authority of Article I, it was a legislative court not a judicial court.

Not only will the court find a question of comity between state and federal law

in this case, but the Texas Constitution will play an intricate part in determining whether the prohibitions of Article I sec. 10, United States Constitution have been violated by the state of Texas and/or its agencies. When applied to the status of the appellant or any other common law citizen.

If this court agrees that state legislation, on its face is a Bill of Attainder (in its lesser form, a Bill of Pains and Penalties), whether or not the legislation (Social Security) is constitutionally applicable to appellant will turn on the standing of appellant to claim the protections of Article I sec 10, United States Constitution. This in turn draws into question the Preambles of the United States and Texas' Constitution, (1836) and will further draw into question the applicability of Article IV, Sec. 2, Cl. 1, United States Constitution.

Appellant was initially a citizen of the state of Arkansas, being born therein, and having removed himself to Texas. In pertinent part, Article IV, United States Constitution provides the following protections to appellant to sustain appellant's claim that rights of citizenship are secured by the original Texas Constitution.

"The Citizens of each State shall be entitled to all privileges and immunities of Citizens in the several States." Article IV, Sec. 2, Cl. 1, U.S. Const.

It should be noticed that rights secured by Article IV, section 2, United States Constitution depend upon the constitution of the state involved for determination. Dred Scott -vs- Sandford, supra, 19 How at 422-423; Chandell -vs- Connecticut, 10 Conn. Re. p. 340, 343-344 (1834).

As can be seen from 28 USC Sec. 1252 (1) the Congress of the United States has placed no limitations on the appellate

jurisdiction of the United States Supreme Court in respect to the aforementioned constitutional questions, and this court is free to exercise jurisdiction conferred by the following provisions of the United States Constitution:

> "The judicial power of the United States shall be vested in one Supreme Court..." Article III, Sec. 2 Cl. 1, U.S. Const.

> "The judicial power shall extend to all cases, in law and equity, arising under this Constitution,...." Article III Sec. 2, Cl. 1, U.S. Const.

> "...In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions as the Congress shall make." Art. III, Sec. 2, Cl. 2, U.S. Const.

Where one state statute, or several state statutes enforced or operating in conjunction, violate the prohibitions of the United States Constitution the supremacy clause makes the law of the state and judgments made thereunder void.

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties

made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land: and the Judges in every State shall be bound thereby, any Thing in the Constitutions or Laws of any States to the Contrary notwithstanding."
Article VI, Cl. 2, U.S. Const.

The 9th Article of the Bill of Rights shows that the rights violated by the state by enactments prohibited in the United States Constitution need not be specifically enumerated in the United States Constitution to exist.

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Art. 9, Bill of Rights U.S. Const.

The 10th Article of the Bill of Rights is an extension and restatement of the injunction placed upon the state by the prohibitions of Article I, Section 10, United States Constitution.

"The powers not delegated to the United States by the Constitution, nor prohibited to it by the States respectively, or to the people." Art. 10 Bill of Rights U.S. Const.

Also the 10th Amendment makes reference to power retained by the people themselves and will have relation to the Texas

constitution with respect to powers given the government of Texas by its citizens and those powers of Texas (in Article I, Texas Constitution). Appellant possesses these secured rights as one of "the people respectively".

As the 10th Amendment, United States Constitution declares where the respective power of the people lies, and as the 9th Amendment secures rights not specifically enumerated in the United States Constitution, these provisions must be considered in determining the comity between the power of the Texas state government and the rights of appellant (a Texas citizen).

It is specifically noted that this appeal is outside the purview of the 13th and subsequent Amendments. Appellant is not a citizen as contemplated by the 14th amendment. Appellant claims absolutely no protections from the 13th and subsequent amendments, and furthermore appellant

totally and completely disclaims any contention that might arise alleging that provisions of the 13th and subsequent amendments are a basis for appellate jurisdiction in the instant appeal, or a basis of adjudication of the instant appeal.

The basis of appellate jurisdiction in the instant case is strictly according to the aforementioned provisions of the original United States Constitution (1787) and according to its Bill of Rights (1791) where applicable through the original United States Constitution and its Preamble.

As will be seen from the statement of the case appellant's citizenship is a matter of natural right, evidenced by the Preamble of the United States Constitution and the Constitution of Texas and appellant owes absolutely nothing to the 14th Amendment the privileged citizenship

it offers to those contemplated thereby. Van Valkenburg -v- Brown. 43 Cal 43. 47 (1872).

This disclaimer of the 13th and subsequent amendments is made by appellant to make clear appellant's intention to completely exclude their provisions from having any effect on this appeal, the same being absolutely and constitutionally inapplicable to appellant and the instant appeal.

STATEMENT OF THE CASE

The Appellant asserts that, he is of the white race and a unenfranchised common law citizen of the Union as ordained and established in the Preamble to the Constitution for the United States of America (1787) and as defined in Dred Scott -vs- Sandford, 19 How. 393. Appellant asserts that he is a inhabitant of the State of Texas with his permanent abode at 10922 Muscatine, Jacinto City, Texas, within the 6th Judicial District of the State of Texas and within the 5th Judicial Circuit of the Union. The Appellant, Charles W. Brown, is a layman untrained in procedural law and he request, in the interest of justice, that the Court give wide latitude to the pleadings contained herein.

The issue of the Appellants citizenship was evidenced into the trial court on the 1st day of december, 1986, and the appellant aver that, his citizenship was-

/has been declared to be of the Preamble to the Constitution for the United States of America and of this state and not a class emanating from the 14th amendment. This Declaratory Judgment was filed in the 157th Judicial District Court of Harris County, Houston, Texas on the 23rd day of June, 1986 and after being duly informed the Court declared my citizenship to be as stated supra, on the 8th day of September, 1986 and therefore, the appellant has standing to raise the constitutional questions raised by the appellant and has standing to assert their protections against the usurpation of power purportedly conferred to Congress of the United States by passage of the 13th and subsequent amendment.

Neither the trial court nor the Court of Appeals (5th Cr.) made any direct ruling on the issue of standing. The trial court was prejudiced of the issues before the

court as this Court can see from the documentation filed therein. The trial court denied appellant due process as provided and mandated in the 5th and 7th Amendment to the Constitution for the United States of America.

The Court of Appeals (5th Cr.), made no ruling on the issue of standing as stated supra, the appellant believes the Court of Appeals (5th Cr.) understood the issues before the court, by, the statement made in its order dismissing the appeal. The Court of Appeals said: "though the Appellant discusses serious matters, he states no legal claim for this court."

The appellant believes that by the statement made by the Court of Appeals (5th Cr.) appellant's Complaint filed in the trial court was not frivolous and should have not been dismissed as being frivolous. The appellant believes that, if something is serious it cannot be

frivolous and proves to Appellant, that, the trial court was prejudiced against the appellant.

The appellant believes that, the Court of Appeals affirmed Appellant's contentions that the trial court nor the Court of Appeals (5th Cr.) has no authority under Article III of the Constitution for the United States of America and that, they exercise only legislative power under the authority of Article I, Section 8, Clause 9 and Clause 17. Over Congresses subjects/creations made under the authority of the 13th, 14th and subsequent amendments in addition to the original Constitution (1787) for the purpose of destroying the common law state citizen as established in the Preamble to the original Constitution for the United States of America (1787) and has totally subverted the original Constitution by bringing this creation into the political

body.

WHY QUESTIONS PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION

Appellant request that this appeal be heard with briefs from the Trial Court (Judge Norman W. Black) and the Attorney for the Appellees. The Texas/federal Social Security Act/Agreement has many elements of fraud, when administered in conjunction with the appellants common law citizenship, violate diverse prohibitions of Article I, Section 10, of the Constitution for the United States of America. The Congress both state and federal being the conniver, id est, to close their eyes and pretend not to see and to be in secret understanding of this fraud. The Appellees et al are co-conspirators, by enforcing a legislative deprivation of appellant's rights in the first instance when they in fact had knowledge of the appellants rescission of the Social

Security Number based upon fraud, misrepresentation and concealment. The substantiality of this speaks for itself.

To relate how the provisions of this complex Act of administrative law has operated to the deprivation of appellant and escalated to this instant action, requires extensive discussion.

Appellant feels that for this court to properly be appraised of the prevailing conditions of both law and fact related to the instant appeal, full briefs will be imperative.

CONCLUSION

Appellant has raised serious federal constitutional issues, as they relate to the appellant and his common law citizenship.

Therefore, appellant respectfully brings this appeal, appealing to this courts good sense, not the courts prejudice's, nor the courts hatreds, but to the courts wisdom, to the courts consciences, to the courts

patriotism and the only mercy appellant ask is the mercy of an honest judgment. Appellant appeals to this court because the assertions of law and fact speak for themself, eventhough, the trial court has made light of the supreme law of the land, the law of nature and laughed at mercy and has trampled upon the holiest human ties.

Appellant request this court to docket this appeal and if necessary to the understanding of the issues of this appeal order the trial court (Norman W. Black), if this Court deems necessary, to issue an opinion as to its actions.

Respectfully submitted,

Charles W. Brown

Charles W. Brown
6th Judicial District
10922 Muscatine
Houston, Texas
(713) 455-4709

Appellant, In Pro Per

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHARLES W. BROWN, Plaintiff vs BROWN & ROOT U.S.A. et al, Defendant.	CIVIL ACTION H-86-3247

ORDER

Pending before the Court Plaintiff's "ascertainment of the process of service date and order." Plaintiff has filed this action Pro se, and has been given leave of the Court to proceed in forma pauperis. He apparently filed the "ascertainment" because the United States Marshals has not perfected service upon the Defendants he named in his complaint.

Under the circumstances, the Court declines to order the Marshals to attempt further service upon the named Defendants, and, on its own motion, will dismiss this action.

The Court has discretion to dismiss a complaint that is filed in forma pauperis "if satisfied that the action is frivolous or malicious." 28 USC Sec. 1915 (d). Having reviewed Plaintiff's complaint, and the applicable law, the Court is of the opinion that Plaintiff's case is frivolous.

A pro se complaint may not be dismissed as frivolous unless it appears beyond doubt that the Plaintiff can prove no set of facts in support of his claim which would entitle him relief. McFadden v. Lucas, 713 F.2d 143 (5th Cir. 1983) cert. denied, 104 S. Ct. 499 (1983). In making this determination, the Court must give the complaint the liberal reading traditionally granted to pro se pleadings. Harris v. United States Department of Justice, 680 F.2d 1109 (5t Cir..(1982), cert. denied, 459 U.S. 1212 (1983). Having reviewed Plaintiff's complaint and

the applicable law, the Court is of the opinion that Plaintiff can prove no set of facts that would support his claim for relief for alleged violations of the Constitution and federal racketeering statutes, 28 U.S.C. Sec. 1981 ("RICO").

"The right of self-representation is not a license to abuse the dignity of the court-room. Neither is it a license not to comply with relevant rules of procedural and substantive law." Faretta v. California, 422 U.S. 806, 834 n. 46 (1975). The Court admonishes Plaintiff that filing frivolous lawsuits is punishable by sanctions of fine and/or incarceration. Fed. R. Civ. P. 11. The Court puts Plaintiff on notice that the Court shall sanction Plaintiff if Plaintiff files any other frivolous lawsuits. This is not to imply that Plaintiff is barred from seeking redress from the Court for legitimate grievances, but the Court will not toler-

ate further abuse of the judical system by Plaintiff. Therefore, it is Ordered that Plaintiff's action is DISMISSED as frivolous. IT IS SO ORDERED.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHARLES W. BROWN, Plaintiff vs BROWN & ROOT U.S.A. et al, Defendant.	CIVIL ACTION H-86-3247

FINAL JUDGMENT

The Court having found, that Plaintiff's complaint in forma pauperis is frivolous, that action is hereby DISMISSED with prejudice.

This ia a FINAL JUDGMENT.

Done at Houston, Texas, this 18th day of November, 1986.

Norman W. Black
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHARLES W. BROWN, Plaintiff vs BROWN & ROOT U.S.A. et al, Defendant.	CIVIL ACTION H-86-3247

ORDER

Plaintiff"s motion to compel and motion for amendment and relief from judgment are DENIED.

IT IS SO ORDERED.

Done at Houston, Texas, this 23rd day of January, 1987.

Norman W. Black
United States District Judge

NOTICE OF APPEAL TO A COURT OF
APPEALS FROM A ORDER OF
THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Court of Appeals for the
Fifth Circuit

CHARLES W. BROWN, Plaintiff vs BROWN & ROOT U.S.A. et al. Defendant.	CIVIL ACTION H-86-3247 NOTICE OF APPEAL PROCEEDING IN FORMA PAUPERIS AS A MATTER OF RIGHT

Notice is hereby given that Charles W. Brown, Appellant above named, hereby appeals to the United States Court of Appeals for the Fifth Circuit from an Order entered in this action on the 18th day of November, 1986, and final Judgment and order entered on the 23rd day of January, 1987.

Subscribed to this 6th day of February, 1987.

Charles W. Brown
Appellant
10418 North LaCrosse
Houston, Texas 77029

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 87-2139
SUMMARY CALENDAR

CHARLES W. BROWN,

Plaintiff-Appellant,

versus

BROWN AND ROOT U.S.A. INC., ET AL.

Defendants-Appellees.

Appeal from the United States District Court for the Southern District of Texas

---

(November 6, 1987)

Before REAVLEY, RANDALL, and DAVIS, Circuit Judges.

PER CURIAM:

Though appellant discusses serious matters, he states no legal claim for this Court. It is therefore DISMISSED. See 5th Circuit Local Rule 42.2.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 87-2139

CHARLES W. BROWN,

Plaintiff-Appellant,

versus

BROWN AND ROOT U.S.A. INC., ET AL,

Defendants-Appellees.

Appeal from the United States District Court for the Southern District of Texas

---

ON PETITION FOR REHEARING
(November 23rd, 1987)

Before REAVLEY, RANDALL, and DAVIS, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing filed in the above entitled and numbered cause be and the same is hereby Denied

ENTERED FOR THE COURT:

REAVLEY
United States Circuit Judge

IN THE
SUPREME COURT OF THE UNITED STATES

December Term, 1987

CHARLES W. BROWN,
"Unenfranchised Citizen of Texas"
Appellant,

VS.

BROWN AND ROOT U.S.A. INC.,
CECIL SHEPHARD, PAT BLACKBURN,
WILLIAM L BEDMAN, JAMES E. YOUNG,
JOHN AND JANE DOE'S 1 - 99
Appellees.

On Appeal from the
United States Court of Appeals
for the Fifth Circuit

NOTICE OF APPEAL

CHARLES W. BROWN
10922 Muscatine
Houston, Texas
(713) 455-4709 Appellant in Pro Per

WILLIAM L. BEDMAN
4100 Clinton Dr.
P. O. Box 3
Houston, Texas 77001
(713) 676-4355 Attorney for Appellees

Appellant hereby gives Notice of Appeal from the order entered in the case no. (87-2139) on the 6th day of November, 1987, by Circuit Judges: Reavley, Randall, and Davis in the United States Court of Appeals for the 5th Circuit, and order denying Petition for Rehearing on the 23rd day of November, 1987.

II

The adverse party to the appeal is Brown & Root U.S.A Inc. et al.

III

The names, addresses, and telephone numbers of attorney's are:

WILLIAM L. BEDMAN
4100 CLINTON DRIVE
P.O. BOX 3
HOUSTON, TEXAS 77001
(713) 676 4355

Attorney for Appellees

CHARLES W. BROWN
10922 MUSCATINE
HOUSTON, TEXAS
(713) 455-4709

Appellant in Pro Per

IV

I hereby certify that I served the Notice of Appeal on the 8th day of December, 1987, within the time allowed by law, by serving a true copy thereof, upon:

JUDGE: NORMAN W. BLACK
U.S. DISTRICT COURT
515 RUSK AVENUE
HOUSTON, TEXAS 77002

BROWN & ROOT U.S.A. INC.
4100 CLINTON DRIVE
P.O. BOX 3
HOUSTON, TEXAS 77001
(713) 676-4355

WILLIAM L. BEDMAN
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HOUSTON, TEXAS 77001
(713) 676-4355

JAMES E. YOUNG
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HOUSTON, TEXAS 77001
(713) 676-4355

CECIL SHEPHARD
% CHAMPION PAPER MILL
11611 FIFTH STREET
SHELDON, TEXAS, 77044

PAT BLACKBURN
% CHAMPION PAPER MILL
11611 FIFTH STREET
SHELDON, TEXAS, 77044

V

This appeal is taken by authority of Article III section 2 of the Constitution for the United States of America and 28 USC 1252 made in pursuance thereof.

Respectfully submitted,

_____

Charles W. Brown
In Propria Persona

Plaintiff-Appellant

CAUSE NO. 86 28224

CHARLES W. BROWN Petitioner,	IN THE DISTRICT COURT
VS.	OF HARRIS COUNTY, TEXAS
JOHN & JANE DOES NOS. 1 THROUGH 99 Respondents.	157TH JUDICIAL DISTRICT

ORDER FOR DECLARATION OF CITIZENSHIP

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Request for DECLARATION of State citizenship coming before the Court for hearing on the 23rd day of June, 1986, Plaintiff appearing specially in propria persona.

The Court having considered Petitioner's Request for Declaration on class of Citizenship, the exhibits, memorandum and affirmations submitted therewith, and arguments of Plaintiff.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Court herby takes Notice and Declares that the Petitioner's class of Citizenship being

that of the Preamble as set out in the U.S. Constitution and in this States Constitutions Preamble and not a class emanating from or through the Fourteenth Amendment.

SO ORDERED, this 8th day of September, 1986

/S/ Felix Salazar Jr.
Presiding State District Court Judge

Supreme Court, U.S.
FILED
MAR 19 1988
JOSEPH F. SPANIOL, JR.
CLERK

CAUSE NO: 87-1463

IN THE
SUPREME COURT OF THE UNITED STATES

October, 1987 Term

CHARLES W. BROWN,
"Unenfranchised Citizen of Texas"
Appellant,

VS.

BROWN AND ROOT U.S.A. INC,
CECIL SHEPHARD, PAT BLACKBURN,
WILLIAM L. BEDMAN. JAMES E. YOUNG,
JOHN AND JANE DOE'S 1 - 99
APPELLEES.

On Appeal from the
United States Court of Appeals
for the Fifth Circuit

MOTION FOR FREE WHITE CHRISTIAN MALE BENCH

CHARLES W. BROWN
6th Judicial District
10922 Muscatine
Houston, Texas
(713) 455-4709

Appellant in Pro Per

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U.S. Const., Preamble Bill of Rights. 9,10

U.S. Const., Amend 1..... 4,10,11,12,14

U.S. Const., Amend 13..... 5,7,8,15,17

U.S. Const., Amend 14..... 5,7,8,11,15,17

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OBJECT OF MOTION

Comes now appellant, Charles W. Brown, in propria persona, sui juris, to move this honorable court, either by its order, or by individual recusal, to allow only free, white, Christian, male justices on the bench during all proceedings pertaining to the above entitled cause including but limited to this motion.

It is requested, consistent with the instant motion, and 28 USC section 455 (a), that only free, white, Christian, male Justices hear the instant motion, because to proceed otherwise would, by implication be a waiver thereof.

FACTS

The jurisdictional statement in the above entitled cause was transmitted to the clerk of the court, in accordance with the rules thereof, on January 2nd, 1988, and said case was docketed on January 30th, 1988. (Received Notice on 3/10/88)

BEST AVAILABLE COPY

This Motion is necessary in order to preserve and secure the common law jurisdiction in which this Appeal is filed. It would be inconsistent and a compromise of jurisdiction to assert this appeal under the authority of the common law, then allow one who has no natural authority thereunder to sit in judgment. The organic natural law of the Republic forbids that a free white male should submit or acquiesce to the authority of an infidel, an alien, or a woman.

No orders have issued out of the court, in the above entitled appeal, as of the date of filing of this instant motion.

The above entitled cause appears to be ripe for an order from the court as to whether adequate ground exists to invoke the Article III (judicial) jurisdiction of the Supreme Court of the United States.

Appellant is a free, white, Christian, male, a citizen as contemplated by the

Preamble to the United States Constitution. Appellant's status as such, stands complete and unaffected by outside influence in the instant case. (Jurisdictional Statement pg's. 4, 5)

ARGUMENT

In the above entitled cause, as in all other instances appellant seeks to God, His Son Jesus the Christ, and the Holy Spirit (as one) for the highest judgment. This is the firm conviction of the appellant's conscience. This court being the highest mortal authority within the United States, the courts jurisdiction is best complimented and retained when its justices hold this sentiment also.

It is appellants firm conviction that only those of the Christian faith by prayer and faith in, and guidance of, God almighty, in the Trinity, can make pure judgement in accord with Laws of God upon which the United States Constitution was founded.

The governments of the several United States of America, as well as that of their collective Union, are founded upon Christianity and the Laws of God ultimately incorporated therein. (viz, the laws of God are incorporated in both Christianity and our Constitutional Republic).

One of the Christian faith will "profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God for evermore and... acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration," as stated in article 22 of the Original Constitution of the State of Delaware (1776).

According to the protections of the first Article of the Bill of Rights, appellant retains the God given inalienable right to be judged in his mortal life, by Gods people of the sovereign body and the body of Christ, white Christians.

The status of appellant demands that the bench of this court must consist only of true members of the sovereign body in the United States, to adjudicate the instant appeal. Said sovereign body is clearly designated in the Preamble to the United States Constitution, and only includes free, white natural persons born or naturalized within the jurisdiction of the United States. (Dred Scott -v- Sanford, 19 How. (60 U.S. 393, (1857))

All these who claim the privilege of membership in the body which exercises the sovereignty in the United States (i.e. rights of the body politic, etc.), by authority of the 13th, 14th, and 15th amendments, or the 19th amendment, are not citizens or members of the sovereignty, except for by virtue of the privilege offered by those so called amendments and the power of Congress of the United States purportedly extended thereby.

Those recognized as citizens in the words "We the People" in the Preamble to the United States Constitution, were citizens even before the adoption of the United States Constitution, and their posterity (those of the same blood) hold their citizenship sui juris (of their own natural right) as heirs to the natural rights of their forefathers and their race. Dred Scott -vs- Sanford, supra, 19 How at 426-427.

The United States Supreme Court, as constituted by Article III of the United States Constitution must consist only of "WE the People" or members of their "posterity". No non-citizen has the right to sit in judgment of a citizen, (Hill -vs- People, 16 Mich. 352, (1868)), nor does a person that claims the rights of sovereignty (afforded by mere privilege) have the right, standing, or power to sit in judgment of a natural member of the

sovereignty.

It is only by the power of Congress that certain "privileges" of sovereignty are exercised by those contemplated within purview of the 13th, 14th, 15th and 19th amendments. (13th am. sec. 2, 14th am. sec. 5, 15th am. sec. 2, 19th am. sec. 2). It is only the power of Congress that is purported to be extended by these amendments. (Ex p. Virginia, 100 U.S. 344, (1879)).

A privilege offered and exercised, and a natural right exercised sui juris, are of different character. The former is merely by the tolerance of the sovereign body, while the latter is the individual act of a member of the sovereignty. To say that a mere privilege could be exercised sui juris would be contradictory, in essence a nullity.

If it be by power of Congress that one is a member of the judiciary, and if without

that extension of Congress' power beyond the limitations of the original organic law said so-called member of the judiciary could not constitutionally hold the judical office of justice of the United States Supreme Court, then how is the tribunal to be considered an Article III (judical) court when thus constituted?

In the above entitled case appellant invokes the jurisdiction of this court as constituted and established under Article III of the United States Constitution, not the jurisdiction of a tribunal having officers appointed according to Article I section 8 clause 9 in conjunction with the 13th, 14th, 15th and/or 19th amendments. (Jurisdictional Statement pg's 11, 12, 13) The principles of separation of powers inherent in the Original United States Constitution clearly dictates that for a court to be one as known to Article III of the United States Constitution no power of

Congress can be exercised by it during the course of this proceedings before it.

If this principle (separation of powers) is not followed then the court having members at the behest of congress, rather than the Preamble and Article III of the Original Constitution, is reduced to a mere tribunal constituted under Article I section 8 clause 9 of the United States Constitution.

Appellant has come to the United States Supreme Court to invoke the powers of the Judiciary not the powers of Congress. (Jurisdictional Statement pg's 2 - 9).

As to Appellants motion for a Christian court, it must be noted that unanimous decision of this court it has been determined that this is a Christian nation. In the case of Holy Trinity Church -vs- United States, (143 U.S. 471, (1892))) this court after mentioning various circumstances added,

"these and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation."

By this courts own words it is this established religion (Christianity), the exercise of which cannot be interfered with according to the prohibition of the first article of the Bill of Rights.

The Preamble to the Bill of Rights clearly establishes the mischief to be prevented by the first and other Articles of the Bill of Rights.

"The conventions of a number of the states, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: and as extending the ground of public confidence in the government, will best insure the beneficient ends of its institution" Preamble, Bill of Rights U.S. Constitution.

It is understood by it (Preamble to The Bill of Rights) that the Bill of Rights is intended to prevent the powers of the national government from being used to

usurp Christian principle, Christian law, and Christian conscience. Accordingly if congress has no constitutional power to interfere with appellants aforesaid rights of conscience, neither does the lawful judiciary.

The judiciary's only duty in respect to appellant's rights of conscience is to uphold those rights against all encroachments perpetrated at the national level.

By the words of Holy Trinity Church supra, the first Article of the Bill of Rights protects no other religion or religious practice than Christianity.

Thus, again it would only be by extended Congressional power, purported by the 14th amendment to exist (all creeds), that this court would sit in judgment of appellant, with unchristian justices. Without purview of the 14th amendment, which is the manner in which this courts jurisdiction is invoked in the above entitled cause,

only one creed can lawfully be composed by this court, the creed of Christianity. Only a Christian could properly recognize and espouse the Christian creed.

Christian law, Christian principle, espoused by a Christian court, concerning a Christian appellant, in a Christian nation, is the only way to maintain the protection of Christian law, appellant must demand and follow, the law prescribed by the Old and New Testament, which is the inspired word of God Almighty.

The Holy Bible puts appellant as well as this court on notice:

> "...He that shall swear in the earth shall swear by the God of truth..." Isaiah 66:16, Holy Bible (HJV)

All justices of the Supreme Court are required to take an oath of office. (Article VI sec. 2 U.S. Constitution.) This oath concludes with an ultimate appeal to God in the words "So help me

God". (28 USC sec. 453; 4 F.S.A. 497, R.S. Sec 712; Sept. 24, 1789, ch. 20, sec. 8, 1 Stat 76; Op. Atty. Gen. 449).

It is noted that in both the official and unofficial declarations, writings, etc., where the term "God" is used, in our Republic, the reference to "God" means the God known to Israel, Issac, and Jacob noted in the Old and New Testament of the Holy Bible as Father, Son, and Holy Spirit.

> "No position can be more clear than that all the federal judges are bound by the solemn obligation of religion to regulate their decisions agreeably to the Constitution of the United States, and that it is the standard of their determination in all cases that come before them. U.S -vs- Challenger, 25 Fed, Cas. No. 14,709

The conscience of appellant, as well as Congressional enactments in the spirit of the Original United States Constitution, require that only those taking an oath "by the God of truth" (a Christian oath) sit in judgment of appellant All other oaths must be considered to be of the anti-

christ.

"For many deceivers are entered into the world, who confess not that Christ came in the flesh. This is a deceiver and an antichrist." II John 1:7, Holy Bible (KJV)

"Whosoever trangresseth, and abideth not in the doctrine of Christ, hath not God. He that abideth in the doctrine of Christ, he hath both the Father and the Son." II John 1:9, Holy Bible (KJV)

"*** He that honoreth not the Son honoreth not the Father which hath sent him." St. John 5:23, Holy Bible (KJV)

"That unto me (a just God and Savior) every knee shall bow, every tongue shall swear.: Isaiah 45:23, Holy Bible (KJV)

By this means we maintain the protections of the first Article of the Bill of Rights against all those who will usurp Christianity in this established Christian nation. Punishment to the usurper of Christianity will not be by men but by our Creator, the living God.

"Therefore the ungodly shall not stand in the judgment, nor sinners in the congregation of the righteous."

"For the Lord knoweth the way of the righteous: but the way of the ungodly shall perish." Psalms 1:5-6 Holy Bible (KJV)

"I will bring it forth, saith the Lord of

hosts and it shall enter... into the house of him that sweareth falsely by My name, and it shall remain in the midst of his house, and shall consume it with the timber thereof and the stones thereof." Zechariah 5:3, Holy Bible (KJV)

As to those who would sit as justice by privilege of the 13th, 14th, 15th and/or the 19th amendments, words inspired by God have clearly told us not to let the stranger set over us, or to suffer a woman to teach.

"Thou shalt in any wise set him King over thee, whom the Lord thy God shall choose: one from among thy brethern shalt thou set King over thee: thou mayest not set a stranger over thee, which is not thy brother." Deut. 17:15 Holy Bible (KJV)

"Let the woman learn in silence with all subjection. But I suffer not a woman to teach, not to usurp authority over the man, but to be in silence." I Timonthy 2:11-12, Holy Bible (KJV)

"But I have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God." I Corinthians 11:3 Holy Bible (KJV)

The Preamble to the United States Constitution clearly establishes who the stranger is. (Dred Scott -vs- Sanford,

supra, 19 How at 410, 411)

Here the Preamble to the Original United States Constitution and Article III thereof presently hold.

This interest is reasonably assumed to exist concerning a judical officer who is absolutely dependant upon congressional protection of his "civil rights", to maintain his position as an official, viz, protection from the extension of congressional powers purported by the aforesaid 13th and subsequent amendments.

As well, if a Justice hold a personal creed other than Christianity, and take an oath with an ultimate appeal to "God", it is reasonable to question his impartiality in the instant appeal.

"Any justice *** of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 USC sec. 455 (a); March 3, 1911, ch. 231, sec. 20, 36 Stat. 1090.

CONCLUSION

Therefore, appellant moves that by order of the court, or individual recusal, the justices not in compliance the appellants rights of conscience and the aforementioned provisions of the original law obstain from the proceedings in the instant appeal: that only a panel of free, white, Christian, male justices hear all proceedings pertaining to the above entitled appeal, including the hearing of the foregoing motion.

Dated this 19th day of March, 1988.

Respectfully Submitted
In service of JESUS THE CHRIST

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